

AMENDMENT

33. (Amended) A modular vault comprising:

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a seamless housing body unitarily formed as a single piece, said seamless housing body having portions defining a front wall having a door opening therethrough, a rear wall, two side walls, a roof and a floor;

a door frame positionable in the door opening; and

a door mountable in the door frame whereby said vault is fire resistant and burglary proof.

REMARKS

Renumbered Claims 33-35 remain pending. Claim 33 is amended herein. Replacement pages for the claims are attached hereto as "**EXHIBIT A - Replacement Pages.**" Applicant respectfully requests allowance of the claims as amended based on the following:

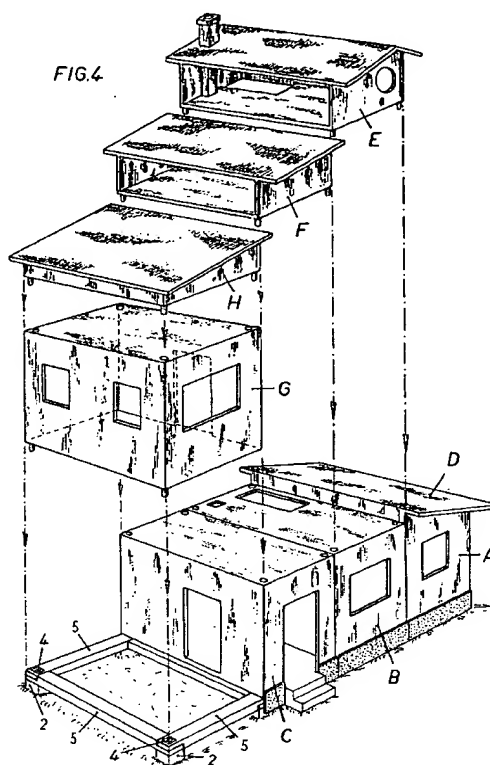
102 Rejection:

The Examiner rejected Claim 33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,485,598 to Guardiani ("*Guardiani*"). In support of the rejection, the Examiner stated the following:

Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Guardiani '598. Guardiani teaches a modular vault comprising a seamless housing body, see Figure 6-10, formed as a single piece, the body having portions defining a front wall having a door frame opening, see Figure 9, a rear wall, two side walls, a roof and a floor, and a door mountable in the door frame opening.

Office Action, p. 2. Applicants respectfully submits that *Guardiani* fails to disclose each of the limitations of Claim 33, as amended, including a door frame positionable in the door opening and a

door mountable in the door frame whereby said vault is fire resistant and burglary proof. *Guardiani* is silent on the use of a door frame and/or doors. In fact, as shown below, the pre-fabricated rooms of *Guardiani* don't even show doors or door frames:



Guardiani is also silent on a vault that is fire resistant or burglary proof. Applicant, therefore, submits that *Guardiani* fails to disclose all of the limitations of Applicant's Claim 33, as amended, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102. Applicant further submits that *Guardiani* does not teach, disclose or even suggest Applicant's claimed invention and Applicant's claims are, therefore, patentable.

103 Rejection:

Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Guardiani* in view of U.S. Patent No. 5,493,817 to Speer ("*Speer*"). In support of the rejection, the Examiner stated the following:

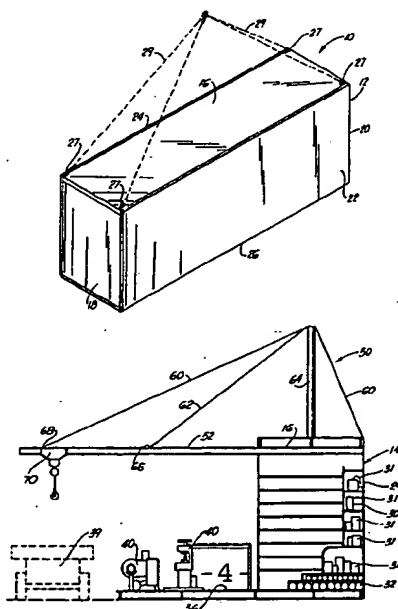
Claim 34 is rejected under 35 U.S.C. (A) as being unpatentable over *Guardiani* '598 as applied to claim 33 above, further in view of *Speer* '817. *Guardiani* teaches the vault discussed previously but lacks the use of hooks, and additional walls with the vault.

Speer teaches a vault (10) having hooks (27) for facilitating hoisting of the vault. It would have been obvious for one having ordinary skill in the art at the time of the hoisting the vault to place it where it needs to be.

The number of walls used for the vault of *Guardiani* is deemed a matter of obvious design choice for a skilled artisan given the intended use of the vault and the desired shape of the space to be made.

Office Action, p. 3.

As discussed above, Applicant submits that *Guardiani* fails to teach, disclose or even suggest all of the limitations of Claims 33-35, including a door frame positionable in the door opening and a door mountable in the door frame whereby said vault is fire resistant and burglary proof. *Speer* fails to provide the deficiencies of *Guardiani*. As shown below, *Speer* also does not disclose door frames, doors or even doorways:



In fact, *Speer* teaches away from door frames, door openings and doorways by teaching that the sidewalls are lowered to reveal the interior and serve as secondary bases. *See Col. 4, Ll. 62-65 and Figure 5.* Moreover, both *Guardiani* and *Speer* are silent on a door mountable in the door frame whereby said vault is fire resistant and burglary proof. Applicant, therefore, respectfully submits that the cited references, alone or in combination, fail to render Applicant's invention obvious and request that the rejection of the claims under 103(a) be withdrawn.

In view of the above amendments and arguments, Applicants respectfully request that the Examiner withdraw the final rejection under 35 U.S.C. § 103 based on *Guardiani* and/or *Speer*. Applicants further request a review of the claims now pending and request allowance.

No fees are believed due as a result of this reply. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 10-0447 (41241-00006USD1).

Respectfully submitted,

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EXHIBIT A - Replacement Pages

33. (Amended) A modular vault comprising:

a seamless housing body unitarily formed as a single piece, said seamless housing body having portions defining a front wall having a door [frame] opening therethrough, a rear wall, two side walls, a roof and a floor;

a door frame positionable in the door opening; and

a door mountable in the door frame [opening such that] whereby said vault is fire resistant and burglary proof.